IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 20232 of 2007(H)

PETITIONER:

JACOB K.C.,
S/O.CHACKO, AGED 37 YEARS,
KARAKKATTU HOUSE, P.O. PUNNAKKAL,
THIRUVAMBADY, KOZHIKODE DISTRICT.

BY ADV. SRI.SAKIR.K.H.
SRI.TOMY JOHN VETTATH

RESPONDENTS:
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1. THE SPECIAL SALE OFFICER,
KOZHIKODE PRIMARY CO-OPERATIVE AGRICULTURAL RURAL-
DEVELOPMENT BANK LTD.,NO.4362,
P.O.PUTHIYARA, KOZHIKODE DISTRICT.

2. THE KOZHIKODE PRIMARY CO-OPERATIVE
AGRICULTURAL RURAL DEVELOPMENT BANK LTD NO.4362,
P.O.PUTHIYARA, KOZHIKODE DISTRICT,
REPRESENTED BY ITS SECRETARY.

R1 BY GOVERNMENT PLEADER (SHRI P.K. RAVIKRISHNAN)

R2 BY ADV. SRI.THOMAS ANTONY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO. 20232 OF 2007 H

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE RELEVANT PAGES OF THE PASS BOOK ISSUED TO THE PETITIONER.

EXT.P2 TO P2(C): TRUE COPY OF RECEIPT NO.522 DATED 29.5.2007 FOR RS.10,000/=, RECEIPT NO.481 DT. 30.3.2007 FOR RS.10,000/=, RECEIPT NO.454 DATED 20.2.2007 FOR RS.10,000/=, RECEIPT NO.778 DT. 30.1.2007 FOR RS.10,000/=, RECEIPT NO.482 DT. 15.1.2007 FOR RS.20,000/=, RECEIPT NO.240 DATED 16.12.2006 FOR RS.10,000/=, RECEIPT NO.344 DT. 21.11.2006 FOR RS.5,000/= AND RECEIPT NO.317 DT. 11.10.2006 FOR RS.25,000/=, ISSUED BY THE SECOND RESPONDENT.

EXT.P3 TRUE COPY OF THE ADVERTISEMENT DATED 21.6.2007 PUBLISHED BY THE 1ST RESPONDENT PUTTING UP THE PETITIONER'S PROPERTY FOR SALE.

` // TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 20232 OF 2007 H

Dated this the 7th August, 2007

JUDGMENT

Prayers in the Writ Petition are as follows:

> *"i) Issue a writ of certiorari or any other appropriate writ, order or direction quashing Ext.P3 advertisement dated 21.6.2007 putting up the property of the petitioner for sale, in so far as the same relates to the sale of the petitioner's property as shown as serial No.2 in Ext.P3.*
>
> *ii) Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 2nd respondent to facilitate the petitioner to repay the loan amount by way of instalments.*
>
> *iii) Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 2nd respondent to facilitate the petitioner to repay the loan amount under the One Time Settlement Scheme."*

2. Case of the petitioner, in brief, is as follows:

Petitioner availed a loan from the second respondent Bank. Apparently, the entire loan amount has not been repaid. Heard the learned counsel appearing for the petitioner and also the learned counsel appearing for the second respondent Bank. I do

not think that the petitioner has made out a case for quashing Ext.P3. As far as OTS is concerned, petitioner is not entitled to the benefit of the same. Counsel for petitioner prays that the petitioner may be permitted to pay off the amount in instalments. Having regard to all facts, petitioner is permitted to pay off the entire amount due with interest in six equal monthly instalments. Respondent Bank will serve a Statement on the petitioner within two weeks from today, showing the exact amount of instalments to be paid, on the basis that the petitioner has to pay the amount remaining to be paid with interest in six equal monthly instalments. The first instalment shall be paid on or before 4.9.2007 and the remaining instalments shall be payable on or before the 4th of every succeeding month. If any of the instalments is defaulted, it will be open to the respondent Bank to proceed against the petitioner in accordance with law.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.